

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mamdani, Malik et al.

Serial No.: 09/692,775

Filed: October 16, 2000

For: Mixed-Mode Interaction

Examiner: David Q. Nguyen

Art Unit: 2681

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Office Action of March 4, 2004, a non-final action, Applicant provisionally elects Invention I for examination **with traverse**.

Examiner has provided the following restriction requirement:


- I. Claims 1-7, drawn to a method receiving spoken input from a wireless device for accessing a voice wallet, the voice wallet authorizing a purchase transaction upon the spoken input being authenticated by the voice wallet, classified in class 379, subclass 88.17.
- II. Claims 8-14, drawn to a method receiving input from a wireless device, said input including purchase notification criteria which is not price-related, and which includes a location of a user of said device, classified in class 340, subclass 995.
- III. Claims 15-21, drawn to a method obtaining, from a wireless device, purchase notification criteria, wherein said criteria includes non-price related information and includes at least scheduling information which provides a time condition upon which user is to be notified, classified in class 709, subclass 202.
- IV. Claim 29, drawn to a method obtaining, from a wireless device, purchase notification criteria, wherein said criteria including a first user condition associated with a notification format, the format being one of a WML, SMS or SMTP format, classified in class 455, subclass 466.

Examiner claims the inventions are distinct, each from the other because Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). Examiner claims in the instant case the different inventions are one invention to deal with a user of wireless device being able to make purchases via a network using both voice and non-verbal methods, and the others not to.

The Examiner states that because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant respectfully traverses Examiner's restriction requirement. The criteria for a proper requirement for restriction between patentably distinct inventions are: (A) the inventions must be independent or distinct; **and** (B) there must be a serious burden on the examiner if restriction is required (MPEP 803). Examiners must provide reasons and/or examples to support conclusions. In the present case, the Examiner has presented no evidence demonstrating a serious burden. Therefore, Applicant believes the restriction requirement is improper and should be withdrawn.

Respectfully submitted,



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Reg. No. 38,076

Filed: April 6, 2004
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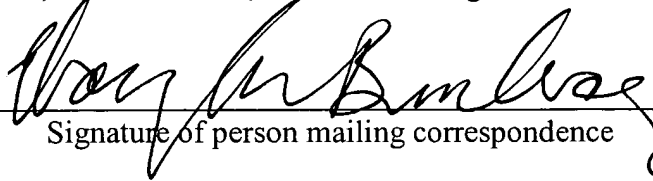
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Total Number of Pages in This Submission

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Application Number

09/692,775

Filing Date

October 16, 2000

First Named Inventor

MAMDANI, Malik

Art Unit

2681

Examiner Name

NGUYEN, David Q.

Attorney Docket Number

033327.0020

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas F. Bergert Williams Mullen
Signature	<i>Thomas F. Bergert</i>
Date	April 6, 2004

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